

MC/16/4423

Date Received: 28 October, 2016

Location: 208b Maidstone Road, Rochester, Kent, ME1 3LP

Proposal: Change of use from retail (Class A1) to sandwich bar (Class A3)

Applicant: Mr R Deol

Ward Rochester West

Case Officer Alison Webster

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 14 December 2016.

Recommendation - Refusal

The additional traffic and on street parking generated by the proposed development would have an adverse impact on the amenity of the occupiers of nearby premises. As such the proposals would conflict with Policies BNE2 and R18 of the Medway Local Plan 2003.

For the reasons for this recommendation for refusal please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application proposes to change the use of the ground floor of the premises from retail (Class A1) to sandwich bar (Class A3).

Relevant Planning History

- MC/15/0074** Construction of a two storey end of terraced building to accommodate two self-contained flats with associated parking to front.
Decision Approval With Conditions
Decided 05/05/2015
- MC/13/1176** Construction of a two storey extension to side to accommodate retail unit (Class A1) with residential accommodation above (Resubmission of MC/12/3026)
Decision Approval With Conditions

Decided 15/07/2013

MC/10/2598

Construction of a part two/part single storey attached building for use as food outlet (Class A5) on ground floor and a one bedroomed flat at first floor level and for the relocation of the existing flue from the side to the rear

Decision Refusal

Decided 01/10/2010

Appeal Dismissed

Decided 22/06/2011

MC/09/0239

Relocation of existing flue from side to rear and construction of a part two part single storey attached building for use as food outlet (Class A3) on ground floor and a one bedroomed flat at first floor level

Decision Refusal

Decided 05/06/2009

MC/00/0638

Construction of a two storey side and rear extension to provide: additional residential accommodation for an existing flat; one new flat; and an integral garage.

Decision Approval with Conditions

Decided 18/07/2000

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

12 letters have been received expressing support for the application

- A sandwich shop is a healthier option than a fast food shop.
- Would add value and convenience to the area.
- There is a lack of A3 in the area

20 letters have been received objecting on the following grounds:

- Parking problems
- Increase in traffic
- Increase in vehicular accidents
- Noise
- Disturbance
- A sandwich shop does not encourage healthy eating
- Kids will hang around
- It is a precursor to a hot food takeaway
- Smell
- Anti social behaviour
- A3 has already been refused on this site (this application MC2009/0239 was refused on design and parking grounds – please see ‘background’ section)

- More litter from customers

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and are considered to conform.

Planning Appraisal

Background

The planning history above outlines the most recent applications submitted for the development of the site. These previous applications were for an extension to the building to provide for residential use at first floor. The 2010 (MC/10/2598) application sought consent for A5 (hot food takeaway) at ground floor but the 2013 (MC/13/1176) sought permission for A1 (retail) at ground floor. The most recent application (MC/15/0074) sought consent for C3 (residential) at ground floor.

The applicant has confirmed that the permission that has been implemented is that granted under planning reference MC/13/1176. The ground floor of the building has not yet been completed internally and the applicant wishes to use this as a sandwich shop (A3).

With regard to the refused application MC/10/2598 it is worth noting that at appeal the second reason for refusal relating to the culmination of A5 uses was withdrawn by the Council and so the appeal inspector commented primarily on design issues and amenity impact associated with an external flue to the rear.

MC2009/0239 was an application for an extension to the building and change of use of the ground floor to A3. This was refused on design and amenity relating to additional parking pressure and traffic.

Principle

The application site is located within the Neighbourhood Centre of Maidstone Road, Rochester. The Neighbourhood Centre currently contains a convenience shop (A1), fish and chip shop (A5) and barbers (A1). Policy R10 states that development within Neighbourhood Centres that involves the loss of existing shopping facilities (A1, A2 and A3) will not be permitted unless an improvement to local amenity or the provision of community facilities occurs that outweighs the loss. It is therefore clear that Policy R10 supports A3 uses in Neighbourhood Centres. Within this row of shops there are no other A3 uses and therefore a culmination of A3 uses will not occur. The principle of a change of use to A3 is therefore considered acceptable.

Design

As this is an application for change of use and no external changes are proposed there will be no detrimental impact to the surrounding street scene in terms of design. Any changes to the front of the building will require planning permission in their own

right, as will any proposed advertisements.

The proposed development therefore accords with Policy BNE1 of the Medway Local Plan 2003.

Amenity

In terms of amenity, as there are no external building works, there will be no loss of outlook, privacy, sunlight or daylight for any neighbouring property.

There is potential for noise and disturbance from the premises, although in assessing this, regard should be paid to the existing activities in the locality, such as the other shops and traffic on Maidstone Road and consider the extent to which the proposal would exacerbate the situation. Furthermore, it should be noted that, the intended opening hours are 0800 hours to 2200 hours Mondays-Fridays and 1000 to 2200 hours on Saturdays, closed Sundays and Bank Holidays. These hours are considered acceptable and a condition is recommended to ensure these are adhered to if the application were to be successful. An additional condition is also recommended to control noise from deliveries to safeguard residential amenity. This would restrict deliveries outside of the hours 0700 to 1900 Monday to Friday, 0800 to 1800 Saturdays and anytime Sundays or Bank Holidays. In order to protect the amenities of the attached/adjacent residential dwellings a condition is recommended to ensure a scheme to minimise the transmission of noise from the unit below is submitted to and approved by the Local Planning Authority.

In terms of odours no concerns are raised due to the amount and type of cooking involved. The applicant has confirmed that the level of cooking will involve warming up sandwiches/toasties in a microwave or may be a table top fryer. Hot drinks will also be served. No concerns are raised in terms of odour and no condition is recommended.

The 2009 application that included a change of use to A3 was refused on design and amenity grounds. It was felt that the proposed change of use would result in additional parking and traffic that would be to the detriment of the neighbours' amenities. Since this date permission has been granted for A1 (shop) and C3 (residential) at ground floor and no objection has been raised on the grounds of loss of amenity due to increase in traffic and parking. The number of parking spaces required for a unit of this size in an A1 use would be approx. 3.7 as opposed to approx. 15 (11 for customers and 4 for staff) that are required for an A3 use. The application drawings show two parking spaces which are the same spaces that were shown to be allocated to the residential flat under planning reference MC/13/1176. Therefore there appears to be no parking being proposed to serve the A3 use. This will compound an already difficult parking situation in the vicinity.

Valley View Road is relatively narrow with vehicles parked on both sides of the road meaning traffic can only travel in one direction at a time and cars frequently have to wait often close to the junction with Maidstone Road. Cars frequently park on the pavement. Although there is a service road to the front this already serves the existing shops and has very limited turning facilities. Accordingly customers are likely to park on Valley View Road impacting on limited car parking available for

residents on that road and thereby having a negative impact on their amenity.

Under the circumstances, it is considered that in terms of traffic generation and parking, the proposal would have an adverse impact on the amenity of the occupiers of nearby premises and accordingly an objection is raised under the relevant provisions of Policies BNE2 and R18 (v) of the Medway Local Plan 2003.

Public Health

Many of the objections received raise concern regarding public health and takeaways. There is indeed a guidance note provided by the Council regarding Hot Food Takeaways. However this document covers hot food takeaways which fall within A5 of the Use Class Order 1987 (as amended). This application seeks permission for a change of use to A3 (restaurants and cafes) which includes sandwich shops and therefore this document does not apply to this planning application.

Highways

The submitted plan shows two parking spaces to the front of the proposed sandwich shop. There is no objection on the grounds of highway safety. It is worth noting the 2009 application was refused on the impact on traffic and parking on neighbouring amenity and not highway safety. The proposal therefore accords with Policy T1 of the Medway Local Plan 2003 but not to Policy T13 regarding parking standards.

Local Finance Considerations

None relevant.

Conclusions and Reasons for Refusal

The proposed use will result in additional traffic and parking pressure where there is no additional parking being proposed and therefore will have a detrimental impact on the amenities of the surrounding neighbours contrary to Policies BNE2 and R18 of the Medway Local Plan 2003 and is recommended for refusal.

The application would normally be determined under delegated powers but is being referred to Committee due to the extent of the representations received expressing a view contrary to the recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of

Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here
<http://publicaccess.medway.gov.uk/online-applications/>